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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,134	01/04/2002	Chulhee Lee		3160

7590 03/14/2005

Chulhee Lee  
Dept. Electrical and Electronic Engineering  
Yonsei University  
134 Shinchon-Dong, Seodaemoon-Gu  
Seoul, 120-749  
KOREA, REPUBLIC OF

EXAMINER

HSIA, SHERRIE Y

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,134

Applicant(s)

LEE, CHULHEE

Examiner

Sherrie Hsia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because in Fig. 16, block 260 should be functionally labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “input means ... auxiliary information signals”, “extracting means ... said input signals” and “display control means ... to said separate display means” claimed in claim 1, “input means ... auxiliary information signals”, “extracting means ... said input signals”, “a predetermined format ... each other” and “display

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control means ... to said separate display means" claimed in claims 3, 6, 8, 10, "video generating means ...", "audio generating means ...", "text signal generating means ...", "auxiliary information generating means ...", and "mixing means ..." claimed in claim 14, "said synchronization means comprises a film counter and interfacing ,means ..." claimed in claim 17, "input means ... text signals", "extracting means ... said input signals" and "display control means ... to said separate display means" claimed in claim 18, and "mixing means ... non-overlapping manner" claimed in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as **"means"** and "said," **should be avoided**. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The disclosure is objected to because of the following informalities:

On page 11, line 20, "Fig. 10" should be --Fig. 12--.

On page 13, line 4, after "cinema", --as shown in Fig. 20-- should be inserted;

Line 6, "301" should be --302-- and "302" should be --301--.

Appropriate correction is required.

### *Double Patenting*

5. Applicant is advised that should claims 3 and 4 be found allowable, claims 6 and 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112 & 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites a broadcasting method for transmitting auxiliary information, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by You (5946046).

As to claims 1 and 18, You discloses the claimed subject matter, the claimed input means is met by the node which receives the composite video signal (CVS) (Fig. 3), the claimed video display means for videos is met by the monitor 54 (Figs. 3 and 6), the claimed separate display means is met by the display 57 (Figs. 3 and 6, column 3 lines 66-67, column 4 lines 9-12), the claimed extracting means is met by the caption data processor 51 (Fig. 3, column 3 lines 55-57) and the claimed display control means is met by the microcomputer 58, OSD driving unit 63 and LCD driving circuit 55 (Fig. 3, column 4 lines 41-61).

As to claims 2 and 19, the claimed limitation is disclosed by You (Fig. 6).

8. Claims 1-13, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fang (6816201).

As to claims 1 and 18, Fang discloses the claimed subject matter, the claimed input means is met by the tuner which receives the TV signal (Fig. 3), the claimed video display means for videos is met by the TV display 14 (Fig. 1), the claimed separate display means is met by the

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display 38 (Fig. 1, column 3 lines 57-column 4 line4, column 4 lines 15-32), the claimed extracting means is met by the data slicer 16 (Fig. 3, column 3 lines 39-41) and the claimed display control means is met by the microcomputer 18 (Fig. 3).

As to claims 2, 4, 7, 9, 11 and 19, the claimed limitation is disclosed by Fang (Fig. 3).

As to claims 3, 6, Fang discloses the claimed subject matter, the claimed input means is met by the tuner which receives the TV signal (Fig. 3), the claimed video display means for videos is met by the TV display 14 (Fig. 1), the claimed separate display means is met by the display 38 (Fig. 1, column 3 lines 57-column 4 line4, column 4 lines 15-32), the claimed extracting means is met by the data slicer 16 (Fig. 3, column 3 lines 39-41), the claimed predetermined format is inherently disclosed by Fang (column 4 lines 20-32) and the claimed display control means is met by the microcomputer 18 (Fig. 3).

As to claims 5, 12, 13, the claimed limitation is disclosed by Fang (column 1 lines 54-56, column 4 lines 20-32).

As to claim 8, Fang discloses the claimed subject matter, the claimed input means is met by the tuner which receives the TV signal (Fig. 3), the claimed video display means for videos is met by the TV display 14 (Fig. 1), the claimed plurality of separate display means is met by the peripheral devices (column 2 lines 15-17, Fig. 1, column 3 lines 57-column 4 line4, column 4 lines 15-32), the claimed extracting means is met by the data slicer 16 (Fig. 3, column 3 lines 39-41), the claimed predetermined format is inherently disclosed by Fang (column 4 lines 20-32) and the claimed display control means is met by the microcomputer 18 (Fig. 3).

As to claim 10, Fang discloses the claimed subject matter, the claimed input means is met by the tuner which receives the TV signal (Fig. 3), the claimed video display means for videos is



met by the TV display 14 (Fig. 1), the claimed separate display means is met by the display 38 (Fig. 1, column 3 lines 57-column 4 line 4, column 4 lines 15-32), the claimed extracting means is met by the data slicer 16 (Fig. 3, column 3 lines 39-41), the claimed predetermined format is inherently disclosed by Fang (column 4 lines 20-32), the claimed display control means is met by the microcomputer 18 (Fig. 3) and the claimed channel information displaying means is met by the peripheral devices (column 2 lines 15-17, column 4 lines 20-32).

9. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Abe (5734436).

As to claim 14, Abe discloses the claimed subject matter, the claimed vide generating means is met by the tuner 111 and the video processing circuit 112 (Figs. 5, 12, 14), the claimed audio generating means is inherently disclosed by Abe, the claimed text signal generating means is met by the teletext/data transmission decoder 141 (Figs. 5, 12, 14), the claimed auxiliary information generating means is met by the teletext/data transmission decoder 141 (Figs. 5, 6d, 6E, 7c, 12, 14) and the claimed mixing means is met by the synthesizing section 130, 312 (Figs. 5, 12, 14).

10. Claims 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Berezowski (6064376).

As to claims 14 and 15, Berezowski discloses all the claimed subject matter includes the claimed vide generating means (upper left corner of screen 10 in Fig. 2, Fig. 4), the claimed text signal generating means (upper right corner of screen 10 in Fig. 2, Fig. 4), the claimed auxiliary information generating means (12 in Fig. 2, Fig. 4, column 3 lines 38-47), the claimed mixing

means is inherently disclosed by Berezowski (Fig. 2) and the claimed audio generating means is inherently disclosed by Berezowski.

11. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Seder (5570944).

As to claim 16, Seder discloses the claimed subject matter, the claimed video display means is met by the screen 2 (Fig. 1), the claimed separate display means is met by the display 10 (Fig. 1), the claimed film projector is met by the projector 1 (Fig. 1), the claimed textual information processing means is met by the processor/amplifier 11 (Fig. 1) and the claimed synchronization means is met by the synchronizer 12 (Fig. 1) (also see column 2 lines 38-58).

As to claim 17, the claimed synchronization means includes a film counter and interfacing means is inherently disclosed by Seder since Seder shows a synchronizer 12 (column 2 lines 43-46).

12. Claim 20 is rejected under 35 U.S.C. 102(a) as being anticipated by WO 01/86350.

WO 01/86350 discloses the claimed subject matter, the claimed data processing means is met by the detector 16, the converter 18 and processor 20 (Fig.1), the claimed display means is met by the screen 24 which has non-overlapping video display area 48 and text display area 46 (Fig. 1), the claimed projector is met by the projector 12 (Fig. 1) and the claimed mixing means (see screen 24) (see Fig. 1 and accompanying text and abstract).

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***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (571) 272-7347.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (703) 308-HELP.



Sherrie Hsia  
Primary Examiner  
Art Unit 2614

SH

March 6, 2005